

Meeting Notes  
Tenant Work Group  
Tuesday, September 15, 2009  
6:30-8:30pm  
Executive Conference Room  
101 Monroe Street  
Rockville, MD 20850

Work Group Members in attendance: Matt Losak (Chair), Lesa Hoover, Chuck Short, Dale Tibbitts, Alice Wilkerson, Guy Johnson.

Via Conference Call: Rick Nelson, Felicia Eberling

Staff participants: Megan Moriarty and Ira Kowler, IMPACT Silver Spring; Patrice Cheatham, DHCA; Debbie Spielberg, County Council

Agenda

- Report development, process and timing
- Survey update
- Other business
- Public Comment

Notes:

Matt Losak called the meeting to order at 6:30pm. The group approved the minutes from August 18, with a change made to reflect the change Lesa Hoover and Matt requested in the third to last paragraph. The last sentence originally read: Lesa agreed and Matt emphasized standardized formatting rather than content. It was changed to read: Lesa agreed there should be standard formatting. Matt agreed, but also felt standardized content was also necessary.

Rick Nelson reviewed his comments on Ira Kowler's email regarding the process going forward and the issues to be discussed for inclusion in the final report (see attached email). The position he is taking is on behalf of DHCA and many of his comments will come into play at the next meeting when the recommendations are discussed.

Matt explained that the group needs to figure out the process and format of the final report at this meeting. Patrice Cheatham will provide the wording from the AHTF for the group to use when issues are not agreed upon. Megan Moriarty explained that IMPACT's contract expires on Oct. 6 and therefore the group needs to come to clarity on what final recommendations are in the report before then. She explained the issues discussed by the committees have been grouped together into five main subjects for the final report (see attached email for details). Matt suggested that one alternative would be to list all the issues in alphabetical order. Chuck felt the final report could include a list of all such issues in an index or appendix. Rick left the call after commenting that the group still had some work to do to formulate final recommendations.

The group then discussed the possibilities for a process to use the next meeting. It was agreed that IMPACT will draft a final report, based on the groupings explained in Ira's

email. Matt and the drafting committee will review that draft and then email it to the whole group by Sept. 24<sup>th</sup>. Guy Johnson suggested that all the members add their edits into the final report draft as Rick did.

Each point will include a summary of the issue, the findings, the proposed recommendation (based on committee research and group discussions). The group will vote on each recommendation at the Sept. 29<sup>th</sup> meeting. As necessary, discussion notes will be added after that meeting that explain in general terms how the group voted.

IMPACT will draft the report to be as inclusive of the various reports as possible and then it will be pared down. Alice Wilkerson suggested the group plan to meet until at least 9:30pm on the 29<sup>th</sup>, so the group can finish reviewing all the recommendations. IMPACT will coordinate bringing dinner in for the meeting.

Chuck clarified that the County Executive is not necessarily against just cause eviction legislation.

Alice gave an update on the survey: 5,000 were originally sent out and 500-600 responses have been received so far (including 50 on-line responses). 1,000 will get reminder letters this week. To complete the survey analysis, 800 responses are needed, but 1,000 are preferable. The contractor will write the survey report and then the group will add their comments. Matt suggested the survey does not have to be in report and if it is not ready then we should just put it out after.

Chuck commented that the group can wait until the survey results are in and include it in the final report. He felt there is no hurry to release the final report, but rather that IMPACT should deliver a draft final report before Oct. 6.

The work group members reviewed the public comment sent via the website.

Matt adjourned the meeting at 8:00pm.

#### **Upcoming Work Group Meetings:**

Tuesday, September 29, 6:30pm, County Executive's conference room

## Edits from Rick Nelson

-----Original Message-----

**From:** Ira [mailto:ira@impactsilverspring.org]

**Sent:** Monday, September 14, 2009 9:09 AM

**To:** awilkerson@senate.state.md.us; Short, Chuck (Charles L); Johnson, Valerie; dawnwu@homeproperties.com; feberling06@yahoo.com; harkel3@verizon.net; kpropeack@casamd.org; gjohnson@casamd.org; Hoover, Lesa (AOBA); zfried@gmail.com; spharr@aoba-metro.org; Elrich's Office, Councilmember; Tibbitts, Dale; Spielberg, Debbie; tokamaphepa@aol.com; grantmaster1@verizon.net; parag.khandhar@apalrc.org; Nelson, Rick; Schmiedel, Sheila; Cheatham, Patrice; megan@impactsilverspring.org

**Subject:** TWG Next Steps Agenda

Greetings Everyone,

It appears we are rapidly coming to the end of our work group time together! To most effectively use our precious remaining time together, I wanted to lay out a potential agenda for our next few meetings and for the final report. If everyone could read this through and let me know your thoughts it would be greatly appreciated.

Firstly, I attempted to divide all the issues discussed during our meetings into general topics for the final report. These are the broad topics I created. I believe each of our findings/recommendations will fit into one of these categories.

- Cost of Rental Housing
- Quality of Rental Housing
- Eviction from Rental Housing[ **Rick Nelson**] **Termination of Tenancy**
- Landlord-Tenant-County Communications
- Tenant Advocacy

Within these broad categories, we have discussed many recommendations and proposals. Most were smaller issues on which we had general consensus. However, there are certain larger issues on which we need to vote on whether to include in the final report and – if included – what our final recommendation will be. Below is a list of eight large issues, each with a short description.

1. **OLTA complaint process-** The Committee 2 report contained a proposal to overhaul the complaint recording system within DHCA's Office of Landlord-Tenant Affairs. Currently, OLTA only records official complaints, which excludes most[ **Rick Nelson**] **many** claims brought before it. A proposed recommendation would have OLTA record every communication with the office, and mark down how it was resolved. It was unclear if DHCA had enough capacity to initiate such a system. [ **Rick Nelson**] *To a great extent, this will be addressed with 311. The TWG recommendation can be couched in terms of moving toward the stated goal.*
2. **County tenant advocacy structures-** There was a general agreement during the Committee 3 report that Montgomery County needed[ **Rick Nelson**] *not sure I agree with the term "need"* a formalized tenant advocacy structure. The proposed system that emerged from work group discussions was an independent tenant advocacy organization, similar to the role AOBA plays for landlords. Additionally, a tenant advocate should exist within local government, possibly as a part of a restructuring of DHCA's OLTA.
3. **Just-cause/retaliatory eviction legislation-** Committee 1 raised the concern over renters being evicted without justifiable cause or in retaliation for certain actions. Just-cause legislation would protect renters from being evicted without good reason. This situation includes when landlords choose to end tenancy at the end of a lease term without specifying any rationale for eviction. [ **Rick Nelson**] *Termination of tenancy and eviction are not always the same thing and we should not use the terms interchangeably* Under certain just-cause laws, landlords are required to articulate a specific reason for termination of tenancy. Retaliatory eviction legislation would prevent a tenant

from being evicted for taking action in opposition to their landlord. The legislation proposed by Committee 1 would guarantee protected tenant actions and prohibit certain landlord actions. Both these proposals sparked concerns among the work group regarding protection of property rights and whether just-cause/retaliatory legislation is an appropriate County-level function. *[ Rick Nelson] The CE and his reps on the task force oppose just cause eviction*

4. **Rent stabilization/amending the Voluntary Rent Guidelines-** Both Committees 1 and 2 explored the issues surrounding the rising cost of rental housing in Montgomery County. Several variations on a rent stabilization law were proposed, including changing the Voluntary Rent Guidelines into mandatory increase limits or adopting a plan similar to the legislation enacted in Takoma Park (Councilmember Elrich's proposal). There was apprehension during the group discussion that rent control might hurt the quality of rental housing and severely impact the freedom of landlords. *[ Rick Nelson] the CE and his reps oppose rent stabilization*
5. **Making the Annual Rental Facilities Report mandatory-** The Annual Rental Facilities Report is a survey sent out by DHCA to landlords in Montgomery County to gather information regarding rent increases and available rental property in the County. During the discussion on rent stabilization, the issue was raised that *[ Rick Nelson] some believe* there is poor information on actual rent increases throughout the County. Since the Rental Facilities Report is voluntary and not regulated, it might not be a reliable tool to understand changes to rent in Montgomery County. It was proposed that an annual rent survey be made mandatory and potentially formalized on the individual apartment level.
6. **Adjustment to the building code inspection policies-** During the Committee 2 presentation, there was much confusion over how *[ Rick Nelson] effective* current code inspection policies *[ Rick Nelson] are* and in what ways they could be improved. Much debate centered around an annual code check on every rental facility in the County and an improved code compliance system. *[ Rick Nelson] No recommendation has been arrived at.*
7. **Condo conversion policies-** The Committee 2 report addressed the growing concerns *[ Rick Nelson] no agreement on extent of growing concerns and by whom with* condo conversions in the County. Landlords who decide to transform their rental buildings into condos can leave former tenants without a residence. Questions during the report review focused on what role tenants can and should play in condo conversion decisions. One proposal recommended that 51% of tenants need to approve a conversion request, but the legality of that proposal was unclear. In the end, it was agreed that more research was needed to assess best practices in this area.
8. **Separating seniors as a special class for rent control recommendations-** Committee 4 reported on the needs of seniors and other groups living on fixed incomes. It proposed legislation tying rent increases for seniors to increases in Social Security benefits. During the report review, there were questions as to whether a specific recommendation for seniors would hurt the impact of a more general rent stabilization measure. *[ Rick Nelson] unrealistic to think that TG would recommend and CE would accept recommendation that would have the effect in 2010 of freezing seniors' rents since social security benefits will not increase.*

For our meeting on September 15<sup>th</sup>, I propose we revisit each of these issues and decide which will be included in the final report. Then, each issue that the group decides belongs in the final report will be assigned to its respective Committee, and a final recommendation will be proposed for the September 29<sup>th</sup> meeting. At the September 29<sup>th</sup> meeting, we will review the proposed recommendations and vote on their final form.

Does this process seem amenable to everyone? I look forward to hearing your input!

*[ Rick Nelson] There needs to be some discussion on how we handle issues on which there is not agreement and in fact disagreement. E.g. rent stabilization*